

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

AMON ALEXANDER-HASSA WILLIS,

Plaintiff,

Case No. 2:22-cv-211

v.

HONORABLE PAUL L. MALONEY

ERICA HUSS, et al.,

Defendants.

/

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendant Wellpath, LLC filed two motions to dismiss. Defendant Ruth Jones filed a motion to dismiss and Defendants Erica Huss, Megan Neubecker, Drew Ogle, Jeffrey Contreras, Keith Pelky, Charlie Scott, Darrin Viitala, Jamie Koski and Jessica Wright filed a motion for partial summary judgment. These matters were referred to the Magistrate Judge, who issued a Report and Recommendation on October 10, 2023, recommending that this Court deny Jones' motions to dismiss; deny Wellpath's motion to dismiss the first amended complaint as moot and grant Wellpath's motion to dismiss the second amended complaint; grant the motion for partial summary judgment as to Neubecker, Ogle, Contreras, Pelky, Scott, Vittala, Koski, and Wright, and to grant the motion in part and deny the motion in part as to Huss. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 61) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that Defendant Jones's motion to dismiss claims that have been previously dismissed by the Court is DENIED AS MOOT and the motion to dismiss the remaining claim (Count II) (ECF No. 48) is DENIED.

**IT IS FURTHER ORDERED** that Defendant Wellpath, LLC's motion to dismiss the first amended complaint (ECF No. 44) is DENIED AS MOOT.

**IT IS FURTHER ORDERED** that Defendant Wellpath, LLC's motion to dismiss the second amended complaint (Count IV) (ECF No. 51) is GRANTED.

**IT IS FURTHER ORDERED** that Defendants Huss, Neubecker, Ogle, Contreras, Pelky, Scott, Viitala, Koski and Wright's motion for partial summary judgment (ECF No. 53) is GRANTED IN PART AND DENIED IN PART. The motion is granted as to Defendants Neubecker, Ogle, Contreras, Pelky, Scott, Vittala, Koski, and Wright. The motion is granted as to Defendant Huss in all respects except for Plaintiff's claim that Huss denied him visitation privileges while he was housed in an observation cell.

The following claims in the second amended complaint remain in the case:

1. Count I against Defendants Brennan and Cobb.
2. Count II against Defendant Huss (limited visitation), Jones (limited to causing Willis to lie in his own feces), Erickson, and James;
3. Count III against Defendant Cavin;
4. Count V against Defendant Westcomb and Chang; and
5. Counts VI and VII against Defendant MDOC.

In addition, Count IV is dismissed in its entirety, and Defendants Wellpath, LLC, Neubecker, Ogle, Contreras, Pelky, Scott, Viitala, Koski and Wright are dismissed from the case.

Dated: October 30, 2023

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge